

and Section 502 (e) (1), the labels of the repackaged *racemic amphetamine sulfate tablets* and the *sulfadiazine tablets* failed to bear the common or usual name of the drug.

Further misbranding, Section 502 (d), the *Seconal Sodium capsules* and the *pentobarbital sodium capsules* contained derivatives of barbituric acid, which derivatives have been found to be, and by regulations designated as, habit forming; and the labels on the repackaged capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (2), the labeling of the repackaged *sulfadiazine tablets* failed to bear adequate warnings against use in those pathological conditions where the use of the drug may be dangerous to health, and against unsafe dosage and methods and duration of administration, in such manner and form, as are necessary for the protection of users.

DISPOSITION: December 18, 1951. A plea of guilty having been entered, the court placed the defendant on probation for 2 years.

3643. Misbranding of pentobarbital sodium capsules, Dexedrine Sulfate tablets, and sulfadiazine tablets. U. S. v. Bond Drug Store, Harold G. Griffin, and Robert V. West. Pleas of guilty. Fine of \$135, plus costs, against individuals jointly. No fine imposed against partnership. (F. D. C. No. 30567. Sample Nos. 76956-K, 76964-K, 76977-K, 76978-K, 77147-K, 77772-K, 78216-K, 78218-K.)

INFORMATION FILED: April 26, 1951, Western District of Missouri, against the Bond Drug Store, a partnership, Lebanon, Mo., and Harold G. Griffin, a partner in the partnership, and Robert V. West, a pharmacist for the partnership.

INTERSTATE SHIPMENT: From the States of Illinois, Indiana, and Pennsylvania, into the State of Missouri, of quantities of *pentobarbital sodium capsules*, *Dexedrine Sulfate tablets*, and *sulfadiazine tablets*.

ALLEGED VIOLATION: On or about May 21, June 12 and 17, and July 5, 6, and 12, 1950, while the drugs were being held for sale at the Bond Drug Store after shipment in interstate commerce, various quantities of the drugs were repacked and sold without a prescription, which acts resulted in the repackaged drugs being misbranded.

• The Bond Drug Store and Harold G. Griffin were charged with causing the acts of repacking and sale of the drugs involved in each of the 8 counts of the information, and, in addition, Robert V. West was charged in 2 of the counts with causing such acts to be done in connection with the drug involved in those counts.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), all of the repackaged drugs failed to bear labels containing statements of the quantity of the contents.

Further misbranding, Section 502 (d), the *pentobarbital sodium capsules* contained a derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the repackaged capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further, misbranding, Section 502 (e) (1), the repackaged *Dexedrine Sulfate tablets* and the *sulfadiazine tablets* failed to bear labels containing the common

or usual name of the drugs; Section 502 (f) (1), the repackaged *pentobarbital sodium capsules* and the *Dexedrine Sulfate tablets* failed to bear labeling containing adequate directions for use since the directions "1 capsule at bedtime when needed" and "one at bedtime as needed," borne on the labeling of the repackaged *pentobarbital sodium capsules*, and the directions "2 tablets each morning," borne on the labeling of the repackaged *Dexedrine Sulfate tablets*, were not adequate directions for use; and, Section 502 (f) (2), the labeling of the repackaged *sulfadiazine tablets* bore no warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: May 7, 1951. Pleas of guilty having been entered, the court imposed a fine of \$135, plus costs, against the individual defendants jointly. No fine was imposed against the partnership.

3644. Misbranding of dextro-amphetamine sulfate (Dexedrine Sulfate) tablets. U. S. v. Physicians & Surgeons Apothecary & Surgical Supply Co., Inc., and Sam O'Neal and Sam S. Romano. Pleas of nolo contendere. Corporation fined \$150; each individual defendant fined \$50. (F. D. C. No. 31289. Sample Nos. 21411-L, 21414-L, 21423-L.)

INFORMATION FILED: December 21, 1951, Northern District of Alabama, against Physicians & Surgeons Apothecary & Surgical Supply Co., Inc., Birmingham, Ala., and Sam O'Neal, vice-president of the corporation, and Sam S. Romano, treasurer.

ALLEGED SHIPMENT: From the State of Pennsylvania into the State of Alabama, of quantities of *dextro-amphetamine sulfate (Dexedrine Sulfate) tablets*.

ALLEGED VIOLATION: On or about May 1, 2, and 5, 1951, while the drug was being held for sale after shipment in interstate commerce, the defendants caused various quantities of the drug to be repacked and sold without a physician's prescription, which acts resulted in the repackaged drug being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drug failed to bear a label containing an accurate statement of the quantity of the contents since the label bore no statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drug failed to bear adequate directions for use since the labeling bore no directions for use.

DISPOSITION: January 10, 1952. Pleas of nolo contendere having been entered, the court imposed a fine of \$150 against the corporation and \$50 against each individual defendant.

3645. Misbranding of dextro-amphetamine sulfate (Dexedrine Sulfate) tablets. U. S. v. Goldstein's Pharmacy, Phillip Goldstein, and Sidney Schatz. Pleas of nolo contendere. Partnership fined \$150; each individual defendant fined \$50. (F. D. C. No. 31290. Sample Nos. 55077-K, 20751-L, 20767-L, 21415-L, 21427-L.)

INFORMATION FILED: December 18, 1951, Northern District of Alabama, against Goldstein's Pharmacy, a partnership, Ensley, Ala., and Phillip Goldstein, a partner, and Sidney Schatz, a pharmacist.

ALLEGED SHIPMENT: From the State of Pennsylvania into the State of Alabama, of quantities of *dextro-amphetamine sulfate (Dexedrine Sulfate) tablets*.